

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, September 16, 1949

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Thursday, September 15, 1949.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

—38.

A quorum present.

The following prayer was offered by the Senate Chaplain, Reverend D. L. Welch:

"Oh, Righteous God:

"We humbly come to Thee at this hour seeking light from You, God, who art the source of Eternal Light, and again we pray for all men as Thou has taught us. We pray for this Senate—that You will bless their noble efforts this day.

"Bless us, God, and at last give us a home with Thee in that peaceful world of tomorrow.

"We ask these blessings in Jesus' name—AMEN."

The reading of the Journal was dispensed with.

The Senate Daily Journal of Thursday, September 15, 1949 was corrected as follows:

Page 5, column 2, line 21, strike out the figures "14" and insert in lieu thereof the figures "13".

And as corrected was approved.

REPORT OF COMMITTEE

Senator Shands, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

Senate Bill No. 43-X(49)—A bill to be entitled An Act levying a special tax upon any foreign government or agency or commission of a foreign government who engages in the retail sale of articles manufactured in a foreign county; levying a special occupational license tax upon each retail store so operated in the State of Florida and providing a criminal penalty for the violation of this Act, and for other purposes.

Senate Bill No. 50-X(49)—A bill to be entitled An Act amending Sections 330.08, 330.13, and 330.23, Florida Statutes 1941, as amended relating to the registration of aircraft and providing for an increase in the rate charged certain aircraft and for the disposition of registration monies collected.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

MESSAGE FROM THE GOVERNOR
STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

September 14, 1949

The Honorable Newman C. Brackin
President of the Senate
Tallahassee, Florida

Sir:

I have today transmitted to the office of the Secretary of State, without my signature of approval, the following resolution, which originated in your Honorable Body, Extraordinary Session of the Legislature of 1949:

SCR 2-X(49), RELATING TO THE LEGISLATURE.

Respectfully,
FULLER WARREN
Governor

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President indicated that in his opinion the following bill was not within the legislative business for which this extraordinary session was convened:

By Senator Franklin—

Senate Bill No. 58-X(49):

A bill to be entitled An Act amending Section 236.33, Florida Statutes, relating to taxation for school purposes.

Pursuant to the rule the President submitted the question of whether or not Senate Bill No. 58-X(49) should be introduced for consideration by the Senate notwithstanding that it was not within the purview of business for which the extraordinary session was convened.

And it was agreed by a two-thirds vote of the Senate that Senate Bill No. 58-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Franklin moved that the rules be waived and Senate Bill No. 58-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 58-X(49) was read the second time by title only.

Senator Franklin moved that the rules be further waived and Senate Bill No. 58-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 58-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 58-X(49) the roll was called and the vote was:

Yeas—37.

Mr. President	Ayers	Baynard	Beall
Alford	Baker	Beacham	Boyle

Carroll
Clarke
Collins
Crary
Davis
Franklin
Gautier
Getzen

Johns
Johnston
King
Leaird
Lindler
Mathews
McArthur
Moore

Pearce
Pope
Ray
Rodgers
Shands
Sheldon
Shivers
Smith

Sturgis
Tucker
Walker
Wilson
Wright

By Senator Boyle—

Senate Bill No. 60-X(49):

A bill to be entitled An Act repealing Chapter 19715, Laws of Florida, 1939, creating and establishing the City of Canaveral in Brevard County, Florida, and providing for a referendum.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 60-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Boyle moved that the rules be waived and Senate Bill No. 60-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 60-X(49) was read the second time by title only.

Senator Boyle moved that the rules be further waived and Senate Bill No. 60-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 60-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 60-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 60-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Smith—

Senate Bill No. 61-X(49):

A bill to be entitled An Act for the relief of Columbus Green of Orange Park, Florida, and authorizing the Board of County Commissioners of Clay County, Florida, to make provisions for such relief.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 61-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Smith moved that the rules be waived and Senate Bill No. 61-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 61-X(49) was read the second time by title only.

Senator Smith moved that the rules be further waived and Senate Bill No. 61-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 61-X(49) was read the third time in full.

Nays—None.

So Senate Bill No. 58-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Pope—

Senate Bill No. 59-X(49):

A bill to be entitled An Act providing for the county tax assessor and county tax collector of St. Johns County, Florida, to act as the tax assessor and tax collector for the Town of Hastings; providing for the method of assessing and collecting municipal taxes; providing for the county commissioners to act as the municipal board of equalization; prescribing the duties and powers of the tax assessor and tax collector necessary to carry out the provisions of this Act and providing for the abolition of the offices of town tax collector and town tax assessor for the Town of Hastings, and providing for a local referendum.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 59-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Pope moved that the rules be waived and Senate Bill No. 59-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 59-X(49) was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 59-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 59-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 59-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 59-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

Upon the passage of Senate Bill No. 61-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 61-X(49) passed, title as stated, by the required Constitutional two-thirds vote of all members elected to the Senate for the 1949 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Leaird—

Senate Bill No. 62-X(49):

A bill to be entitled An Act establishing the fees of the Clerk of the Criminal Court of Record of Broward County in felony and misdemeanor cases and in civil cases wherein said Clerk functions as Clerk of the County Court.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 62-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 62-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Leaird moved that the rules be waived and Senate Bill No. 62-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 62-X(49) was read the second time by title only.

Senator Leaird moved that the rules be further waived and Senate Bill No. 62-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 62-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 62-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 62-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Mathews—

Senate Bill No. 63-X(49):

A bill to be entitled An Act to authorize and empower the zoning director of Duval County, Florida, to charge and collect a fee for the issuance of each building permit for the construction, moving, reconstruction or structural alteration of any building and the installation of any pump or tank, in the unincorporated area of said county; fixing the fees therefor and providing that such fees be paid into the general fund of the county and to be used for county purposes, providing for certain exemptions; providing for the giving of affidavits pre-requisite to the issuance of permits and for the enforcement of this Act and for penalties for violations thereof.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 63-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 63-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Mathews moved that the rules be waived and Senate Bill No. 63-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 63-X(49) was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 63-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 63-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 63-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So Senate Bill No. 63-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Beacham asked unanimous consent of the Senate to take up and consider Senate Bill No. 42-X(49), out of its order, at this time.

Which was agreed to.

Senate Bill No. 42-X(49):

A bill to be entitled An Act adding a new and additional section to Chapter 73, Florida Statutes, relating to eminent domain proceedings and providing that the court shall have jurisdiction and control over taxes and tax proceedings as to lands involved in eminent domain proceedings and that such tax proceedings may be stayed by the court pending the determination of the eminent domain proceeding.

Was taken up.

Senator Beacham moved that the rules be waived and Senate Bill No. 42-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 42-X(49) was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 42-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 42-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 42-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Shivers
Alford	Crary	Mathews	Smith
Ayers	Davis	McArthur	Sturgis
Baker	Franklin	Moore	Tucker
Baynard	Gautier	Pearce	Walker
Beacham	Getzen	Pope	Wilson
Beall	Johns	Ray	Wright
Boyle	Johnston	Rodgers	
Carroll	King	Shands	
Clarke	Leaird	Sheldon	

Nays—None.

So Senate Bill No. 42-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Moore asked unanimous consent of the Senate to take up and consider House Bill No. 45-X(49), out of its order, at this time.

Which was agreed to.

H. B. No. 45-X(49)—A bill to be entitled An Act authorizing a total of four (4) licenses to sell intoxicating beverages in any county with a population not less than 2275 and not more than 2285 according to the latest state census, but outside the incorporated limits of any municipality in the aforesaid counties; and excepting from the operation hereof all operators of railroads, sleeping cars, steamships, buses and airplanes obtaining licenses good throughout the State of Florida under the beverage law of the State of Florida, and incorporated clubs including social clubs, and caterers at horse or dog racing plants as defined in the beverage law of the State of Florida, and also exempting from the operation hereof certain hotels.

Was taken up.

Senator Moore moved that the rules be waived and House Bill No. 45-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 45-X(49) was read the second time by title only.

Senator Moore moved that the rules be further waived and House Bill No. 45-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 45-X(49) was read the third time in full.

Upon the passage of House Bill No. 45-X(49) the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None.

So House Bill No. 45-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 15, 1949.

The Honorable Newman C. Brackin
President of the Senate:

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a two-thirds vote—

By Mr. Luckie of Duval—

House Bill No. 90-X(49)—A bill to be entitled An Act amending Section 27, Chapter 25342, Laws of Florida, Acts of 1949, which regulates the size, weight and equipment of certain motor vehicles using the highways of this State, so as to permit the operation upon such highways of certain vehicles, which may not be in conformity of said Act, for a certain period of time.

Introduction of the bill was agreed to by a two-thirds vote of the House.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk,
House of Representatives.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question of whether or not House Bill No. 90-X(49), contained in the above message, should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened.

And it was agreed by a two-thirds vote of the Senate that House Bill No. 90-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator King moved that the rules be waived and House Bill No. 90-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 90-X(49) was read the second time by title only.

Senator King moved that the rules be further waived and House Bill No. 90-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 90-X(49) was read the third time in full.

Upon the passage of House Bill No. 90-X(49) the roll was called and the vote was:

Yeas—36.

Mr. President	Clarke	King	Rodgers
Alford	Collins	Leaird	Sanchez
Ayers	Crary	Lindler	Shands
Baker	Davis	Mathews	Sheldon
Baynard	Franklin	McArthur	Shivers
Beacham	Gautier	Moore	Sturgis
Beall	Getzen	Pearce	Tucker
Boyle	Johns	Pope	Walker
Carroll	Johnston	Ray	Wilson

Nays—None.

So House Bill No. 90-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Shands moved that the rules be waived and the hour of adjournment be extended until final roll call on Senate Bill No. 17-X(49), as amended.

A roll call was demanded.

Upon the motion made by Senator Shands the roll was called and the vote was:

Yeas—26.

Mr. President	Gautier	McArthur	Sturgis
Baker	Getzen	Pearce	Tucker
Beacham	Johnston	Ray	Walker
Boyle	King	Rodgers	Wilson
Carroll	Leaird	Sanchez	Wright
Collins	Lindler	Shands	
Crary	Mathews	Smith	

Nays—11.

Alford	Beall	Franklin	Sheldon
Ayers	Clarke	Moore	Shivers
Baynard	Davis	Pope	

Which was agreed to by a two-thirds vote and it was so ordered.

ORDER OF THE DAY

Senate Bill No. 17-X(49):

A bill to be entitled An Act to define certain additional privileges, and to levy and provide for the collection of privilege taxes upon sales of personal property, upon admissions and upon rentals of real and personal property; providing for certain exemptions; to define certain words and terms used in this Act; to provide for the creation and enforcement of liens upon real and personal property of persons liable for the payment of such taxes to authorize the promulgation of rules and regulations for the administration and enforcement of this Act; to appropriate monies derived from such taxes and to direct the payment of such monies derived from such taxes to the General Revenue Fund of the State of Florida, to the cost of administration and enforcement of this Act and to provide for impounding any surplus revenue; to provide for the operation of this Act in the event certain provisions herein shall be held invalid; providing for an effective date; to provide penalties for the violation of this Act; and repealing Sections 204.03 and 204.04, Florida Statutes, 1941, and conflicting laws.

Which was pending amendment at the hour of adjournment on September 15, 1949, was taken up.

Senator King offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, page 23, line 12, (mimeographed bill) strike out the paragraph beginning on line 12 through line 19, inclusive.

Senator King moved the adoption of the amendment.

Pending adoption of the amendment offered by Senator King to Senate Bill No. 17-X(49), Senator Ray offered the following substitute amendment for the amendment offered by Senator King:

In Section 8, page 23, line 14, (mimeographed bill) strike out the figures: "\$10.00" and insert in lieu thereof the following: "\$5.00".

Senator Ray moved the adoption of the substitute amendment.

Which was not agreed to so the substitute amendment failed of adoption.

The question recurred on the adoption of the amendment offered by Senator King to Senate Bill No. 17-X(49).

A roll call was demanded.

Upon the amendment offered by Senator King to Senate Bill No. 17-X(49), the roll was called and the vote was:

Yeas—14.

Alford	Beall	Collins	Gautier
Baynard	Clarke	Franklin	King

Leaird	Shivers	Walker
Pope	Sturgis	Wilson

Nays—23.

Mr. President	Crary	McArthur	Shands
Ayers	Davis	Moore	Sheldon
Baker	Getzen	Pearce	Smith
Beacham	Johns	Ray	Tucker
Boyle	Lindler	Rodgers	Wright
Carroll	Mathews	Sanchez	

So the amendment failed of adoption.

Senator Baynard offered the following amendment to Senate Bill No. 17-X(49):

Strike out Section 8 and insert in lieu thereof the following:

"Section 8. That the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property is hereby specifically exempt from the tax imposed by this Act.

"General groceries, including particularly, food and food products, milk, butter, eggs, meats, (fresh, salt and cured), flour, meal, cereals, bread, vegetables and vegetable juices, fruit and fruit juices, (not including gum and soft drinks, or articles that are not edible) 'Food products' as used herein shall mean and include cereal and cereal products, milk and milk products, oleomargarine, meat and meat products, fish and fish products, fruit and fruit products, spices, salt and sugar, coffee and coffee substitutes, teas and cocoa, but shall not include meals served on or off the premises of the dealer or drinks or foods furnished, prepared or served for consumption at tables, chairs or counters, or from trays, glasses, dishes, or other tableware provided by the dealer, or served in restaurants, drug stores, cafeterias, hotels or like places of business.

"There is also exempted from the tax imposed under the provisions of this Act any article of clothing selling at a retail price of \$6.00 or less. Provided, that when clothing is customarily sold at retail in pairs or suits, a pair or a suit shall be considered as one article, and provided further, that the articles to be exempted herein may be further defined and listed by the Comptroller under rules and regulations promulgated by him.

"Also exempted from the tax imposed by this Act are gasoline, motor vehicles (not including parts thereof when sold as separate transactions), cigarettes, alcoholic beverages, beer, water (not exempting mineral water or carbonated water, or any water put up in bottles, jugs, or other containers), ice, medicine compounded in a retail establishment by a pharmacist licensed by the State of Florida according to an individual prescription or prescriptions written by a practitioner of the healing arts licensed by the State of Florida, and common household medicinal remedies recommended and generally sold for the relief of pain, ailment, distress or disorder of the human body, according to a list prescribed and approved by the State Board of Health which said list shall be certified to the Comptroller and from time to time, be included in the rules and regulations promulgated by the Comptroller. Other exemptions are field and garden seeds, school books and school lunches. There shall likewise be exempted all sales made to or by the United States Government, the State of Florida or any county or municipality within the State, and all sales made to or by any governmental unit, State or Federal, and including sales made to contractors of tangible personal property going into and becoming a part of public works and projects owned by any such government or governmental unit."

Senator Baynard moved the adoption of the amendment.

A roll call was demanded.

Upon the amendment offered by Senator Baynard to Senate Bill No. 17-X(49), the roll was called and the vote was:

Yeas—6.

Alford	Beall	Sheldon
Baynard	Davis	Shivers

Nays—32.

Mr. President	Beacham	Clarke	Franklin
Ayers	Boyle	Collins	Gautier
Baker	Carroll	Crary	Getzen

Johns	Mathews	Ray	Sturgis
Johnston	McArthur	Rodgers	Tucker
King	Moore	Sanchez	Walker
Leaird	Pearce	Shands	Wilson
Lindler	Pope	Smith	Wright

So the amendment failed of adoption.

Senator Baynard also offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, Page 24, line 16 (mimeographed bill) After the words "charges are made," change the comma to a period and strike the following:

"and also there shall be exempted the sale, use, storage or other consumption in this State of machines or equipment used in mining, quarrying, compounding, processing, producing or manufacturing of tangible personal property, or used in storing, refrigeration or preserving of tangible personal property for sale, or used in furnishing communication or transportation service, provided, that the terms 'machines' and 'equipment' as herein used, shall include machinery and equipment which is specifically designed and used for mining, quarrying, compounding, processing, producing or manufacturing, storing, refrigeration and preserving tangible personal property, or used in furnishing communication or transportation service, and the parts of such machines and equipment attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and equipment and which are necessary to the operation of such machines and equipment and are customarily so used."

Senator Baynard moved the adoption of the amendment.

Pending adoption of the amendment offered by Senator Baynard to Senate Bill No. 17-X(49), Senator Ray offered the following substitute amendment for the amendment offered by Senator Baynard:

In Section 8, page 24, line 17 (mimeographed bill) after the word "exempted" insert the following: "from so much of the tax imposed by this Act as shall exceed \$100.00 on"

Senator Ray moved the adoption of the substitute amendment.

Which was agreed to and the substitute amendment was adopted.

Senator Shivers offered the following amendment to Senate Bill No. 17-X(49):

Strike out all of Section 8 and insert in lieu thereof the following:

"SECTION 8. That the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property is hereby specifically exempt from the tax imposed by this Act.

Gasoline, motor vehicles (not including parts thereof when sold as separate transactions), cigarettes, alcoholic beverages, beer, water (not exempting mineral water or carbonated water, or any water put up in bottle, jugs, or other containers), electric power or energy, communication services, natural, artificial or liquified petroleum gases, school books and school lunches. Also exempted are admissions to places of amusement operating under the supervision of the State Racing Commission. There shall likewise be exempted all sales made to or by the United States Government, the State of Florida or any county or municipality within the State, and all sales made to or by any governmental unit, State or Federal, and including sales made to contractors of tangible personal property going into and becoming a part of public works and projects owned by any such government or governmental unit."

Senator Shivers moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

Senators Beacham and Baynard offered the following amendment to Senate Bill No. 17-X(49):

In Section 2 (mimeographed bill) Strike all of Subsection (f), including subsections (1), (2), (3), (4) and (5) under Subsection (f).

Senator Beacham moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

Senators Beacham and Baynard also offered the following amendment to Senate Bill No. 17-X(49):

In Section 2 sub-section B, line 7 (mimeographed bill) after the words "trailer camps" add the following: and any and all real or personal property for which a rental is paid for the use or occupancy thereof.

Senator Beacham moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

Senator King offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, page 23, line 14, (mimeographed bill) strike out the figures: "\$10.00" and insert in lieu thereof the following: "\$4.00".

Senator King moved the adoption of the amendment.

A roll call was demanded.

Upon the adoption of the amendment offered by Senator King to Senate Bill No. 17-X(49), the roll was called and the vote was:

Yeas—22.

Mr. President	Carroll	Mathews	Shivers
Alford	Collins	McArthur	Smith
Baker	Franklin	Moore	Tucker
Baynard	Gautier	Pope	Walker
Beacham	King	Rodgers	
Beall	Leaird	Shands	

Nays—16.

Ayers	Davis	Lindler	Sheldon
Boyle	Getzen	Pearce	Sturgis
Clarke	Johns	Ray	Wilson
Crary	Johnston	Sanchez	Wright

Which was agreed to and the amendment was adopted.

Senators Beacham and Baynard offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, Page 25, (mimeographed bill) at the end of the last paragraph thereof, add the following:

"There shall likewise be exempt from the tax imposed by this Act all charges for services rendered by radio stations, including advertising, line charges, talent fees or charges, and charges for all services of every kind, character and description made by radio stations doing business in the State of Florida."

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator King offered the following amendment to Senate Bill No. 17-X(49):

Strike out the words, figures and symbols: "three per cent (3%)" in the following pages and lines:

Page 7, line 21
Page 8, line 18
Page 11, lines 1, 2 and 3
Page 13, line 14
Page 15, line 22
Page 16, lines 1, 6, 13, 24, 25 and 26
Page 31, lines 25, 26, 30 and 32

and insert in lieu thereof the following: "two per cent (2%)" and change titles on pages 15 and 16 to conform thereto.

Senator King moved the adoption of the amendment.

A roll call was demanded.

Upon the amendment offered by Senator King to Senate Bill No. 17-X(49) the roll was called and the vote was:

Yeas—12.

Alford	Beall	King	Sheldon
Ayers	Davis	Lindler	Sturgis
Baynard	Franklin	Pope	Walker

Nays—26.

Mr. President	Crary	McArthur	Shivers
Baker	Gautier	Moore	Smith
Beacham	Getzen	Pearce	Tucker
Boyle	Johns	Ray	Wilson
Carroll	Johnston	Rodgers	Wright
Clarke	Leaird	Sanchez	
Collins	Mathews	Shands	

So the amendment failed of adoption.

Senator Leaird offered the following amendment to Senate Bill No. 17-X(49):

In Section 12, lines 8, 12 and 16 (mimeographed bill), strike out the words and figures: "three per cent (3%)" and insert in lieu thereof the following: "two per cent (2%)".

Senator Leaird moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

Senator Ray, President Pro Tempore, now presiding.

Senator Johns offered the following amendment to Senate Bill No. 17-X(49):

In Section 23, Page 52, line 24 (mimeographed bill), after the sentence ending with the word "void" add a new sentence to read as follows: "This Act shall expire at twelve o'clock, midnight, on June 30, 1951."

Senator Johns moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

The President now presiding.

Senator Johns also offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, page 24, line 13 (mimeographed bill) after the word "newspapers" add the following: "all printing and printing papers".

Senator Johns moved the adoption of the amendment.

Which was not agreed to, so the amendment failed of adoption.

Senator Johnston offered the following amendment to Senate Bill No. 17-X(49):

In Section 8, (mimeographed bill) at the end of the section, after the period, add the words:

"Also specifically exempt from this tax are caskets costing \$500.00 or less."

Senator Johnston moved the adoption of the amendment.

A roll call was demanded.

Upon the amendment offered by Senator Johnston to Senate Bill No. 17-X(49), the roll was called and the vote was:

Yeas—18.

Alford	Davis	Lindler	Sanchez
Ayers	Getzen	Pearce	Sturgis
Baynard	Johnston	Pope	Tucker
Beall	King	Ray	
Carroll	Leaird	Rodgers	

Nays—19.

Mr. President	Collins	Mathews	Shivers
Baker	Crary	McArthur	Smith
Beacham	Franklin	Moore	Wilson
Boyle	Gautier	Shands	Wright
Clarke	Johns	Sheldon	

So the amendment failed of adoption.

Senator Ray moved that the rules be waived and Senate Bill No. 17-X(49), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 17-X(49), as amended, was read the third time in full.

Upon the passage of Senate Bill No. 17-X(49), as amended, the roll was called and the vote was:

Yeas—22.

Mr. President	Crary	Mathews	Sanchez
Baker	Gautier	McArthur	Shands
Beacham	Getzen	Moore	Smith
Boyle	Johnston	Pearce	Tucker
Carroll	King	Ray	
Collins	Leaird	Rodgers	

Nays—16.

Alford	Clarke	Lindler	Sturgis
Ayers	Davis	Pope	Walker
Baynard	Franklin	Sheldon	Wilson
Beall	Johns	Shivers	Wright

So Senate Bill No. 17-X(49) passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engraving Clerk, for engraving.

The following Explanation of Vote on Senate Bill No. 17-X(49), as amended, was filed with the Secretary:

EXPLANATION OF VOTE

For fourteen years I have continuously worked in opposition to a Sales Tax in this State because I firmly believe in the Democratic principle—that taxation according to ability to pay is the soundest and most equitable method.

The Sales Tax is the reverse principle. The best authority we have shows our State to be over balanced with consumer taxes, being 77.4 against the Nation's average of 55.2.

We have the highest per capita tax in the South, a tax of over \$58.00 per capita and if the Sales Tax is adopted by the Legislature, our per capita tax will exceed \$75.00.

The statements in the Press prior to this Session indicated that the tax program would include more than 75% of the Governor's tax program. Every item in the Governor's tax program appears to be eliminated except the Hotel Lodging tax, and it is reduced.

This is the entering wedge to include the necessities of life in a tax program in a few years to come, that will saddle the great majority of the burdens of our State Government on those least able to pay.

The Budget of this State was increased during the years of 1945 and 1947 by 133%. In 1947 and 1949 an increase of almost 30%. Business is in a leveling off period. I am still convinced that the Budget Commission of Florida was right in their recommendations to the State Legislature as to the needs of this State, and I am still willing to reduce the Budget and raise sufficient revenue to meet those recommendations.

I firmly believe that in opposing the sales tax I am expressing the wishes of the vast majority of the people of Hillsborough County. I will continue to express their views in the Senate as long as I represent the 34th District.

Raymond Sheldon
34th District

Senator McArthur moved that the rules be waived and when the Senate adjourns at this session it adjourn to reconvene at 12:00 o'clock, Noon, Monday, September 19, 1949.

Which was agreed to by a two-thirds vote and it was so ordered.

The motion made by Senator Beall on September 15, 1949 to reconsider the vote by which Senate Bill No. 16-X(49) passed the Senate on September 14, 1949, was taken up in its order.

Senate Bill No. 16-X(49):

A bill to be entitled An Act relating to certain coin operated machines: providing license taxes thereon; providing for affixing of decal stamps thereon; placing supervision of Act under Comptroller; providing for special inspectors and their compensation; making an appropriation; providing for disposition of license taxes collected; providing for confiscation of illegally operated machines.

The President put the question: "Will the Senate reconsider the vote by which Senate Bill No. 16-X(49), as amended, passed the Senate on September 14, 1949?"

A roll call was demanded.

Upon the motion made by Senator Beall the roll was called and the vote was:

Yeas—27.

Mr. President	Collins	Lindler	Sanchez
Baker	Crary	Mathews	Sheldon
Beacham	Davis	McArthur	Shivers
Beall	Getzen	Moore	Smith
Boyle	Johnston	Pearce	Tucker
Carroll	King	Ray	Wright
Clarke	Leaird	Rodgers	

Nays—11.

Alford	Franklin	Pope	Walker
Ayers	Gautier	Shands	Wilson
Baynard	Johns	Sturgis	

Which was agreed to and the Senate reconsidered the vote by which Senate Bill No. 16-X(49), as amended, passed the Senate on September 14, 1949.

The question recurred on the passage of Senate Bill No. 16-X(49), as amended.

Pending roll call on the passage of Senate Bill No. 16-X(49), as amended, Senator Walker moved that the rules be waived and Senate Bill No. 16-X(49), as amended, be placed back on the Calendar of Bills on Second Reading for the purpose of further amendment.

Which was agreed to by a two-thirds vote and Senate Bill No. 16-X(49) was placed back on the Calendar of Bills on Second Reading for the purpose of further amendment.

Senator Gautier moved that the Senate adjourn.

Which was agreed to and the Senate stood adjourned at 2:07 o'clock P. M., until 12:00 o'clock, Noon, Monday, September 19, 1949.